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**FAX TRANSMISSION****DATE:** October 21, 2004**PTO IDENTIFIER:** Application Number 10/658,002-Conf. #2278  
Patent Number**Inventor:** Eric E. Schultz et al.**MESSAGE TO:** US Patent and Trademark Office**FAX NUMBER:** (703) 872-9306**FROM:** RADER, FISHMAN & GRAUER PLLC

Kristin L. Murphy

**PHONE:** (248) 594-0647**Attorney Dkt. #:** 65703-0114**PAGES (Including Cover Sheet):** 5**CONTENTS:** Response to Election/Restriction Requirement (3 pages) and  
Certificate of Transmission under 37 CFR 1.8 (1 page).

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Response to Election/Restriction Requirement (3 pages) and  
Certificate of Transmission under 37 CFR 1.8 (1 page).

I hereby certify that this correspondence is being deposited with the U.S. Patent Office to Group Art Unit #2278, Attention: Examiner K.B. Patel at facsimile (703) 872-9306, on the date shown below.

Dated: 10/21/04Signature: Kathryn L. Nash  
(Kathryn L. Nash)Docket No.: 65703-0114  
(PATENT)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Eric E. Schultz et al.

Application No.: 10/658,002

Confirmation No.: 2278

Filed: September 9, 2003

Art Unit: 3612

For: MODULAR MOUNTING ASSEMBLY

Examiner: Kiran B. Patel

**RESPONSE TO ELECTION OF SPECIES REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants are in receipt of the Office Action mailed September 21, 2004, in which the Examiner has issued a restriction under 35 U.S.C. § 121 to one of the following inventions:

- I. Claims 1-8, drawn to a mounting assembly, classified in Class 296, subclass 97.12;
- II. Claims 9-16, drawn to a sun visor assembly, classified in Class 296, subclass 97.9; and
- III. Claims 17-25, drawn to a vehicle headliner assembly, classified in Class 296, subclass 214.

Applicants elect Group I, claims 1-8 with traverse.

The Examiner has further indicated that the patent application contains claims directed to the following alleged patentably distinct species of the claimed invention:

Species A – directed towards Figures 1-3;

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Species B – directed towards Figures 4-5;

Species C – directed towards Figure 6;

Species D – directed towards Figures 7-9;

Species E – directed towards Figures 10, 12;

Species F – directed towards Figure 11; and

Species G – directed towards Figure 13.

Applicant respectfully disagrees with the Examiner's position and respectfully requests that the Examiner reconsider the separation of the species associated with Figures 1-13. The subject matter of species A-G is sufficiently related such that a thorough search for the subject matter of one of the two species would encompass a search for the subject matter of the other species. See MPEP § 803, which states that "[i]f the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." (Emphasis added). This policy should apply in the present application to avoid unnecessary delay and expense to the Applicants and duplicative examination by the Patent Office.

Further, Applicants disagree with the Examiner's contention that the species, as listed above, are patentability distinct and assert that the restriction requirement, based on the Examiner's separation of these particular species, is improper. For example, Figure 3 of species A, illustrates a breakaway of all of the components of the claimed invention. Each of these components in Figure 3 is illustrated in at least one of the other Figures, 4-13. In a more specific example, Applicants direct the Examiner's attention to Figures 4-5 (species B), which show an enlarged view of the mounting component 40, which is clearly shown in Figures 2 and 3 of species A. Accordingly, Applicants respectfully request that the separation of species between Figures 1-13 be withdrawn.

In the event that the Examiner does not withdraw the separation of the species, Applicants elect species A for prosecution, with traverse. Applicants believe that claims 1-3, 8-11, 16-20, and 25 correspond to species A.

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If the Examiner has any questions with respect to this communication, he is kindly urged to call the undersigned.

It is believed that any additional fees due with respect to this paper have already been identified. However, if any additional fees are required in connection with the filing of this paper that are not identified in any accompanying transmittal, permission is given to charge account number 18-0013 in the name of Rader, Fishman and Grauer PLLC.

Dated: 10/21/04

Respectfully submitted,

By   
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